

~~SECRET~~ 1

**SUBSTITUTE FOR
SENATE BILL NO. 2**

A bill to amend 1976 PA 442, entitled
"Freedom of information act,"
by amending sections 6, 10, and 13 (MCL 15.236, 15.240, and
15.243), section 6 as amended by 1996 PA 553, section 10 as amended
by 2014 PA 563, and section 13 as amended by 2023 PA 64, and by
adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) **All of the following apply to the designation of a**
2 **FOIA coordinator:**

3 **(a)** A public body that is a city, village, township, county,
4 or state department, or under the control of a city, village,
5 township, county, or state department, shall designate an
6 individual as the public body's FOIA coordinator.



(b) In a county not having an executive form of government, the chairperson of the county board of commissioners is designated the FOIA coordinator for that county.

(c) This state's speaker of the house of representatives shall designate an individual as the FOIA coordinator for the house of representatives for requests that are not directed at the office of a member of the majority party of the house of representatives. This state's minority leader of the house of representatives shall designate an individual as FOIA coordinator for the house of representatives for all requests directed at the office of a member of the majority party of the house of representatives.

(d) This state's senate majority leader shall designate an individual as the FOIA coordinator for the senate for requests that are not directed at the office of a member of the majority party of the senate. This state's senate minority leader shall designate an individual as FOIA coordinator for the senate for all requests directed at the office of a member of the majority party of the senate.

(e) For all other public bodies, the chief administrative officer of the respective public body is designated the public body's FOIA coordinator.

(2) The FOIA coordinator shall ~~be responsible for accepting and processing~~ **accept and process** requests for the public body's public records under this act and shall ~~be responsible for approving a~~ **approve any** denial under section 5(4) and (5). ~~In a county not having an executive form of government, the chairperson of the county board of commissioners is designated the FOIA coordinator for that county.~~ **5(5) and (6).**

~~(2) For all other public bodies, the chief administrative~~



~~officer of the respective public body is designated the public body's FOIA coordinator.~~

(3) ~~An~~**A** FOIA coordinator may designate another individual to act on ~~his or her~~**the FOIA coordinator's** behalf in accepting and processing requests for the public body's public records, and in approving a denial under section ~~5(4) and (5).~~**5(5) and (6).**

Sec. 10. (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do ~~±~~**either** of the following: ~~at his or her option:~~

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial. **For purposes of an appeal under this subdivision of a denial by a state legislative public body as described in section 2(i)(ii), the submission must be made to 1 of the following, as applicable:**

(i) An individual designated by the speaker of the house of representatives or the minority leader of the house of representatives, as applicable, to respond to appeals on behalf of the house of representatives.

(ii) An individual designated by the senate majority leader or senate minority leader, as applicable, to respond to appeals on behalf of the senate.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after ~~a~~**the** public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1



1 of the following:

2 (a) Reverse the disclosure denial.

3 (b) Issue a written notice to the requesting person upholding
4 the disclosure denial.

5 (c) Reverse the disclosure denial in part and issue a written
6 notice to the requesting person upholding the disclosure denial in
7 part.

8 (d) Under unusual circumstances, issue a notice extending for
9 not more than 10 business days the period during which the head of
10 the public body shall respond to the written appeal. The head of a
11 public body shall not issue more than 1 notice of extension for a
12 particular written appeal.

13 (3) A board or commission that is the head of a public body is
14 not considered to have received a written appeal under subsection
15 (2) until the first regularly scheduled meeting of that board or
16 commission following submission of the written appeal under
17 subsection (1)(a). If the head of the public body fails to respond
18 to a written appeal pursuant to subsection (2), or if the head of
19 the public body upholds all or a portion of the disclosure denial
20 that is the subject of the written appeal, the requesting person
21 may seek judicial review of the nondisclosure by commencing a civil
22 action under subsection (1)(b).

23 (4) In an action commenced under subsection (1)(b), a court
24 that determines a public record is not exempt from disclosure shall
25 order the public body to cease withholding or to produce all or a
26 portion of a public record wrongfully withheld, regardless of the
27 location of the public record. Venue for an action against a local
28 public body is proper in the circuit court for the county in which
29 the public record or an office of the public body is located has



1 venue over the action. The court shall determine the matter de novo
2 and the burden is on the public body to sustain its denial. The
3 court, on its own motion, may view the public record in controversy
4 in private before reaching a decision. Failure to comply with an
5 order of the court may be punished as contempt of court.

6 (5) An action commenced under this section and an appeal from
7 an action commenced under this section ~~shall~~**must** be assigned for
8 hearing and trial or for argument at the earliest practicable date
9 and expedited in every way.

10 (6) If a person asserting the right to inspect, copy, or
11 receive a copy of all or a portion of a public record prevails in
12 an action commenced under this section, the court shall award
13 reasonable ~~attorneys'~~**attorney** fees, costs, and disbursements. If
14 the person or public body prevails in part, the court may, in its
15 discretion, award all or an appropriate portion of reasonable
16 ~~attorneys'~~**attorney** fees, costs, and disbursements. The award ~~shall~~
17 **must** be assessed against the public body liable for damages under
18 subsection (7).

19 (7) If the court determines in an action commenced under this
20 section that the public body has arbitrarily and capriciously
21 violated this act by refusal or delay in disclosing or providing
22 copies of a public record, the court shall order the public body to
23 pay a civil fine of \$1,000.00 ~~, which shall~~**that must** be deposited
24 into the general fund of the state treasury. The court shall award,
25 in addition to any actual or compensatory damages, punitive damages
26 in the amount of \$1,000.00 to the person seeking the right to
27 inspect or receive a copy of a public record. The damages ~~shall~~
28 **must** not be assessed against an individual, but ~~shall~~**must** be
29 assessed against the next succeeding public body that is not an



individual and that kept or maintained the public record as part of its public function.

Sec. 13. (1) A public body may exempt from disclosure as a public record under this act any of the following:

(a) Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:

(i) Interfere with law enforcement proceedings.

(ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.

(iii) Constitute an unwarranted invasion of personal privacy.

(iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.

(v) Disclose law enforcement investigative techniques or procedures.

(vi) Endanger the life or physical safety of law enforcement personnel.

(vii) Disclose the identity of a party who, as described in subdivision (cc), proceeds anonymously in a civil action in which the party alleges that the party was the victim of sexual misconduct. For the purpose of securing the party's anonymity, that party or the party's designee may provide written notification of the civil action and the party's wish to remain anonymous to any law enforcement agency that has investigating records subject to



1 this subparagraph, and the law enforcement agency shall retain a
2 copy of that notification in its files with those investigating
3 records.

4 (c) A public record that if disclosed would prejudice a public
5 body's ability to maintain the physical security of custodial or
6 penal institutions occupied by persons arrested or convicted of a
7 crime or admitted because of a mental disability, unless the public
8 interest in disclosure under this act outweighs the public interest
9 in nondisclosure.

10 (d) Records or information specifically described and exempted
11 from disclosure by statute **or regulation**.

12 (e) A public record or information described in this section
13 that is furnished by the public body originally compiling,
14 preparing, or receiving the record or information to a public
15 officer or public body in connection with the performance of the
16 duties of that public officer or public body, if the considerations
17 originally giving rise to the exempt nature of the public record
18 remain applicable.

19 (f) Trade secrets or commercial or financial information
20 voluntarily provided to an agency, **or a state legislative public**
21 **body as described in section 2(i)(ii)**, for use in developing
22 governmental policy if:

23 (i) The information is submitted upon a promise of
24 confidentiality by the public body.

25 (ii) The promise of confidentiality is authorized by the chief
26 administrative officer of the public body or by an elected official
27 at the time the promise is made.

28 (iii) A description of the information is recorded by the public
29 body within a reasonable time after it has been submitted,



1 maintained in a central place within the public body, and made
2 available to a person upon request. This subdivision does not apply
3 to information submitted as required by law or as a condition of
4 receiving a governmental contract, license, or other benefit.

5 (g) Information or records subject to the attorney-client
6 privilege, **the attorney work product privilege, or both.**

7 (h) Information or records subject to the physician-patient
8 privilege, the psychologist-patient privilege, the minister,
9 priest, or Christian Science practitioner privilege, or other
10 privilege recognized by statute or court rule.

11 (i) A bid or proposal by a person to enter into a contract or
12 agreement, until the time for the public opening of bids or
13 proposals, or if a public opening is not to be conducted, until the
14 deadline for submission of bids or proposals has expired.

15 (j) Appraisals of real property to be acquired by the public
16 body until either of the following occurs:

17 (i) An agreement is entered into.

18 (ii) Three years have elapsed since the making of the
19 appraisal, unless litigation relative to the acquisition has not
20 yet terminated.

21 (k) Test questions and answers, scoring keys, and other
22 examination instruments or data used to administer a license,
23 public employment, or academic examination, unless the public
24 interest in disclosure under this act outweighs the public interest
25 in nondisclosure.

26 (l) Medical, counseling, or psychological facts or evaluations
27 concerning an individual if the individual's identity would be
28 revealed by a disclosure of those facts or evaluation, including
29 protected health information, as defined in 45 CFR 160.103.



1 (m) Communications and notes within a public body or between
2 public bodies of an advisory nature to the extent that they cover
3 other than purely factual materials and are preliminary to a final
4 agency determination of policy or action. This exemption does not
5 apply unless the public body shows that in the particular instance
6 the public interest in encouraging frank communication between
7 officials and employees of public bodies clearly outweighs the
8 public interest in disclosure. This exemption does not constitute
9 an exemption under state law for purposes of section ~~8(h)~~ **8(1)(h)**
10 of the open meetings act, 1976 PA 267, MCL 15.268. As used in this
11 subdivision, "determination of policy or action" includes a
12 determination relating to collective bargaining, unless the public
13 record is otherwise required to be made available under 1947 PA
14 336, MCL 423.201 to 423.217.

15 (n) Records of law enforcement communication codes, or plans
16 for deployment of law enforcement personnel, that if disclosed
17 would prejudice a public body's ability to protect the public
18 safety unless the public interest in disclosure under this act
19 outweighs the public interest in nondisclosure in the particular
20 instance.

21 (o) Information that would reveal the exact location of
22 archaeological sites. The department of natural resources may
23 promulgate rules in accordance with the administrative procedures
24 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the
25 disclosure of the location of archaeological sites for purposes
26 relating to the preservation or scientific examination of sites.

27 (p) Testing data developed by a public body in determining
28 whether bidders' products meet the specifications for purchase of
29 those products by the public body, if disclosure of the data would



1 reveal that only 1 bidder has met the specifications. This
2 subdivision does not apply after 1 year has elapsed from the time
3 the public body completes the testing.

4 (q) Academic transcripts of an institution of higher education
5 established under section 5, 6, or 7 of article VIII of the state
6 constitution of 1963, if the transcript pertains to a student who
7 is delinquent in the payment of financial obligations to the
8 institution.

9 (r) Records of a campaign committee including a committee that
10 receives money from a state campaign fund.

11 (s) Unless the public interest in disclosure outweighs the
12 public interest in nondisclosure in the particular instance, public
13 records of a law enforcement agency, the release of which would do
14 any of the following:

15 (i) Identify or provide a means of identifying an informant.

16 (ii) Identify or provide a means of identifying a law
17 enforcement undercover officer or agent or a plain clothes officer
18 as a law enforcement officer or agent.

19 (iii) Disclose the personal address or telephone number of
20 active or retired law enforcement officers or agents or a special
21 skill that they may have.

22 (iv) Disclose the name, address, or telephone numbers of family
23 members, relatives, children, or parents of active or retired law
24 enforcement officers or agents.

25 (v) Disclose operational instructions for law enforcement
26 officers or agents.

27 (vi) Reveal the contents of staff manuals provided for law
28 enforcement officers or agents.

29 (vii) Endanger the life or safety of law enforcement officers



1 or agents or their families, relatives, children, parents, or those
2 who furnish information to law enforcement departments or agencies.

3 (viii) Identify or provide a means of identifying a person as a
4 law enforcement officer, agent, or informant.

5 (ix) Disclose personnel records of law enforcement agencies.

6 (x) Identify or provide a means of identifying residences that
7 law enforcement agencies are requested to check in the absence of
8 their owners or tenants.

9 (t) Except as otherwise provided in this subdivision, records
10 and information pertaining to an investigation or a compliance
11 conference conducted by the department under article 15 of the
12 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before
13 a complaint is issued. This subdivision does not apply to records
14 or information pertaining to 1 or more of the following:

15 (i) The fact that an allegation has been received and an
16 investigation is being conducted, and the date the allegation was
17 received.

18 (ii) The fact that an allegation was received by the
19 department; the fact that the department did not issue a complaint
20 for the allegation; and the fact that the allegation was dismissed.

21 (u) Records of a public body's security measures, including
22 security plans, security codes and combinations, passwords, passes,
23 keys, and security procedures, to the extent that the records
24 relate to the ongoing security of the public body.

25 (v) Records or information relating to a civil action in which
26 the requesting party and the public body are parties.

27 (w) Information or records that would disclose the Social
28 Security number of an individual.

29 (x) Except as otherwise provided in this subdivision, an



1 application for the position of president of an institution of
2 higher education established under section 4, 5, or 6 of article
3 VIII of the state constitution of 1963, materials submitted with
4 such an application, letters of recommendation or references
5 concerning an applicant, and records or information relating to the
6 process of searching for and selecting an individual for a position
7 described in this subdivision, if the records or information could
8 be used to identify a candidate for the position. However, after 1
9 or more individuals have been identified as finalists for a
10 position described in this subdivision, this subdivision does not
11 apply to a public record described in this subdivision, except a
12 letter of recommendation or reference, to the extent that the
13 public record relates to an individual identified as a finalist for
14 the position.

15 (y) Records or information of measures designed to protect the
16 security or safety of persons or property, or the confidentiality,
17 integrity, or availability of information systems, whether public
18 or private, including, but not limited to, building, public works,
19 and public water supply designs to the extent that those designs
20 relate to the ongoing security measures of a public body,
21 capabilities and plans for responding to a violation of the
22 Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan
23 penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency
24 response plans, risk planning documents, threat assessments,
25 domestic preparedness strategies, and cybersecurity plans,
26 assessments, or vulnerabilities, unless disclosure would not impair
27 a public body's ability to protect the security or safety of
28 persons or property or unless the public interest in disclosure
29 outweighs the public interest in nondisclosure in the particular

1 instance.

2 (z) Information that would identify or provide a means of
3 identifying a person that may, as a result of disclosure of the
4 information, become a victim of a cybersecurity incident or that
5 would disclose a person's cybersecurity plans or cybersecurity-
6 related practices, procedures, methods, results, organizational
7 information system infrastructure, hardware, or software.

8 (aa) Research data on road and attendant infrastructure
9 collected, measured, recorded, processed, or disseminated by a
10 public agency or private entity, or information about software or
11 hardware created or used by the private entity for such purposes.

12 (bb) Records or information that would reveal the specific
13 location or GPS coordinates of game, including, but not limited to,
14 records or information of the specific location or GPS coordinates
15 of game obtained by the department of natural resources during any
16 restoration, management, or research project conducted under
17 section 40501 of the natural resources and environmental protection
18 act, 1994 PA 451, MCL 324.40501, or in connection with the
19 expenditure of money under section 43553 of the natural resources
20 and environmental protection act, 1994 PA 451, MCL 324.43553. As
21 used in this subdivision, "game" means that term as defined in
22 section 40103 of the natural resources and environmental protection
23 act, 1994 PA 451, MCL 324.40103.

24 (cc) Information that would reveal the identity of a party who
25 proceeds anonymously in a civil action in which the party alleges
26 that the party was the victim of sexual misconduct. As used in this
27 subdivision, "sexual misconduct" means the conduct described in
28 section 90, 136, 145a, 145b, 145c, 520b, 520c, 520d, 520e, or 520g
29 of the Michigan penal code, 1931 PA 328, MCL 750.90, 750.136,



1 750.145a, 750.145b, 750.145c, 750.520b, 750.520c, 750.520d,
2 750.520e, and 750.520g, regardless of whether the conduct resulted
3 in a criminal conviction.

4 (2) In addition to their grounds for exemption set forth in
5 subsection (1), the executive office of the governor and lieutenant
6 governor may exempt from disclosure as a public record under this
7 act any of the following:

8 (a) Records or information in the possession of the executive
9 office of the governor or lieutenant governor or of an employee of
10 either of those offices that relates to any of the following:

11 (i) The appointment of an individual as a department or agency
12 director; as a member of a board, commission, or council; to fill a
13 vacancy on a court pursuant to section 23 of article VI of the
14 state constitution of 1963; or to any other position the governor
15 appoints as provided by law. After an individual has been appointed
16 to a position described in this subparagraph, the exemption does
17 not apply to records or information that relate to that individual
18 except for records or information that relate to the process
19 undertaken to select that individual for appointment, including,
20 but not limited to, an application, letter of recommendation, or
21 letter of reference.

22 (ii) The decision to remove or suspend from office any public
23 official pursuant to section 10 of article V of the state
24 constitution of 1963, section 33 of article VII of the state
25 constitution of 1963, or the Michigan election law, 1954 PA 116,
26 MCL 168.1 to 168.99, or to remove a judge from office pursuant to
27 section 25 of article VI of the state constitution of 1963. After
28 an individual has been removed from a position described in this
29 subparagraph, the exemption for records and information under this



1 subparagraph does not apply to a record that relates to that
2 individual.

3 (iii) The decision to grant or deny a reprieve, pardon, or
4 commutation pursuant to section 14 of article V of the state
5 constitution of 1963.

6 (iv) A budget recommendation prepared pursuant to section 18 of
7 article V of the state constitution of 1963.

8 (v) A reduction in expenditures pursuant to section 20 of
9 article V of the state constitution of 1963.

10 (vi) A message or recommendation to the legislature pursuant to
11 section 17 of article V of the state constitution of 1963.

12 (vii) The executive residence described in section 24 of
13 article V of the state constitution of 1963.

14 (b) Information or records subject to executive privilege.

15 (c) Records created, prepared, owned, used, in the possession
16 of, or retained by the governor, the lieutenant governor, the
17 executive office of the governor or lieutenant governor, or an
18 employee of either of those offices prior to the effective date of
19 the amendatory act that added this subdivision.

20 (d) Communications, including any related records or
21 information, between the executive office of the governor or
22 lieutenant governor or any employee of either of those offices and
23 a constituent, other than a person that receives an appointment,
24 unless otherwise exempt from disclosure under this section, or is
25 employed by this state or a person required to be registered as a
26 lobbyist under 1978 PA 472, MCL 4.411 to 4.431. For purposes of
27 this subdivision, "constituent" means an individual who resides in
28 this state and who contacts the executive office of the governor or
29 lieutenant governor for assistance in personally obtaining



1 government services, to express a personal opinion, or for redress
2 of personal grievances.

3 (e) Records or information that could impact the security of
4 the governor or lieutenant governor or their family members.

5 (f) The cellular telephone number of the governor or
6 lieutenant governor or an employee of the executive office of the
7 governor or lieutenant governor.

8 (g) Records or information pertaining to an internal
9 investigation if the internal investigation was initiated prior to
10 receipt of a request concerning the internal investigation.

11 (h) Records or information relating to a civil action in which
12 the executive office of the governor or lieutenant governor is a
13 party until such litigation or claim has been finally adjudicated
14 or otherwise settled.

15 (i) Records created, prepared, owned, used, in the possession
16 of, or retained by the governor, the lieutenant governor, the
17 executive office of the governor or lieutenant governor, or an
18 employee of those offices for less than a total of 30 days.

19 (j) Records created or prepared by the governor, the
20 lieutenant governor, an employee of the executive office of the
21 governor or lieutenant governor, a legislator, or an employee of a
22 state legislative public body as described in section 2(i)(ii), that
23 relate to advice, opinions, or recommendations about public policy
24 or district work.

25 (3) In addition to its grounds for exemption set forth in
26 subsection (1), a public body that is a state legislative public
27 body as described in section 2(i)(ii) may exempt from disclosure as
28 a public record under this act any of the following:

29 (a) Communications, including any related records or



1 information, between a legislator or a legislator's office and a
2 constituent, other than a person required to be registered as a
3 lobbyist under 1978 PA 472, MCL 4.411 to 4.431. For purposes of
4 this subdivision, "constituent" means any of the following:

5 (i) An individual who is registered to vote in the district the
6 legislator is elected to represent.

7 (ii) An individual who is a resident of the district the
8 legislator is elected to represent and who is not registered to
9 vote outside of that district.

10 (iii) An individual other than an individual described in
11 subparagraph (i) or (ii) if it can be reasonably inferred that the
12 individual intended that the communication be with the legislator
13 elected to represent the district where the individual is
14 registered to vote or, if not registered to vote, resides.

15 (b) Records or information pertaining to an internal or
16 legislative investigation.

17 (c) Records or information relating to a civil action in which
18 the state legislative public body is a party until such litigation
19 or claim has been finally adjudicated or otherwise settled.

20 (d) Records or information specifically described and exempted
21 from disclosure by statute or regulation and including the records
22 and information subject to confidentiality requirements in sections
23 109, 501, and 601 of the legislative council act, 1986 PA 268, MCL
24 4.1109, 4.1501, and 4.1601, in section 9 of 2016 PA 198, MCL 4.779,
25 and in section 9 of 1975 PA 46, MCL 4.359.

26 (e) Records of the office of sergeant at arms.

27 (f) Records created, prepared, owned, used, in the possession
28 of, or retained by the state legislative public body for less than
29 a total of 30 days.



1 (g) Records created, prepared, owned, used, in the possession
2 of, or retained by the state legislative public body prior to the
3 effective date of the amendatory act that added this subdivision.

4 (h) Records created or prepared by the governor, the
5 lieutenant governor, an employee of the executive office of the
6 governor or lieutenant governor, a legislator, or an employee of a
7 state legislative public body, that relate to advice, opinions, or
8 recommendations about public policy or district work.

9 (i) The personal telephone numbers of any legislator or
10 employee of the state legislative public body.

11 (j) Records or information related to the appointment of an
12 individual to any position for which this state's speaker of the
13 house of representatives or senate majority leader makes the
14 appointment as provided by law. After an individual has been
15 appointed to a position described in this subdivision, the
16 exemption does not apply to records or information that relate to
17 that individual except for records or information that relate to
18 the process undertaken to select that individual for appointment,
19 including, but not limited to, an application, letter of
20 recommendation, or letter of reference.

21 (4) Subsection (3) does not authorize the exemption from
22 disclosure of any salary record of an employee or official of a
23 state legislative public body as described in section 2(i)(ii).

24 (5) ~~(2)~~—A public body shall exempt from disclosure information
25 that, if released, would prevent the public body from complying
26 with 20 USC 1232g, commonly referred to as the family educational
27 rights and privacy act of 1974. A public body that is a local or
28 intermediate school district or a public school academy shall
29 exempt from disclosure directory information, as defined by 20 USC



1 1232g, commonly referred to as the family educational rights and
2 privacy act of 1974, requested for the purpose of surveys,
3 marketing, or solicitation, unless that public body determines that
4 the use is consistent with the educational mission of the public
5 body and beneficial to the affected students. A public body that is
6 a local or intermediate school district or a public school academy
7 may take steps to ensure that directory information disclosed under
8 this subsection is not used, rented, or sold for the purpose of
9 surveys, marketing, or solicitation. Before disclosing the
10 directory information, a public body that is a local or
11 intermediate school district or a public school academy may require
12 the requestor to execute an affidavit stating that directory
13 information provided under this subsection will not be used,
14 rented, or sold for the purpose of surveys, marketing, or
15 solicitation.

16 (6) ~~(3)~~ This act does not authorize the withholding of
17 information otherwise required by law to be made available to the
18 public or to a party in a contested case under the administrative
19 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

20 ~~(4) Except as otherwise exempt under subsection (1), this act~~
21 ~~does not authorize the withholding of a public record in the~~
22 ~~possession of the executive office of the governor or lieutenant~~
23 ~~governor, or an employee of either executive office, if the public~~
24 ~~record is transferred to the executive office of the governor or~~
25 ~~lieutenant governor, or an employee of either executive office,~~
26 ~~after a request for the public record has been received by a state~~
27 ~~officer, employee, agency, department, division, bureau, board,~~
28 ~~commission, council, authority, or other body in the executive~~
29 ~~branch of government that is subject to this act.~~

1 Sec. 14a. This act's application to a state legislative public
2 body as described in section 2(i)(ii) must not be construed to
3 limit, modify, waive, or otherwise affect the privileges and
4 immunities guaranteed under section 11 of article IV of the state
5 constitution of 1963.

6 Enacting section 1. This amendatory act takes effect on
7 January 1 of the first odd-numbered year that begins at least 6
8 months after the date it is enacted into law.

9 Enacting section 2. This amendatory act does not take effect
10 unless Senate Bill No. 1 of the 103rd Legislature is enacted into
11 law.

